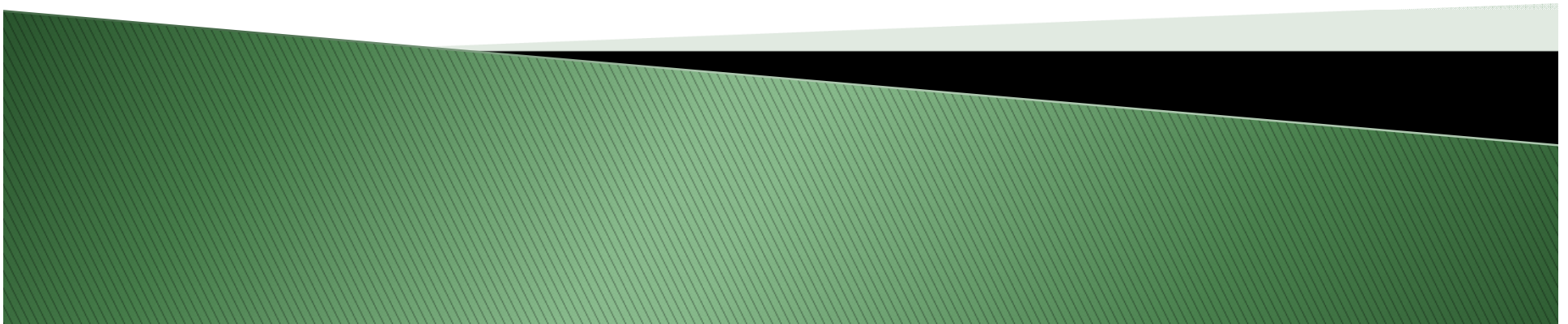
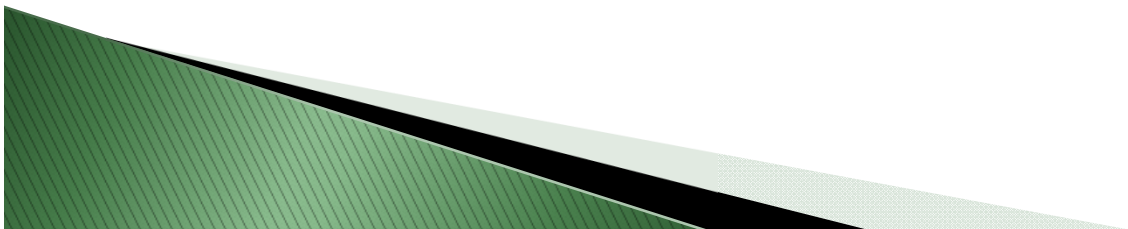


Board of Vocational Nursing and Psychiatric Technicians

**Enforcement Division Update
February 26, 2014**

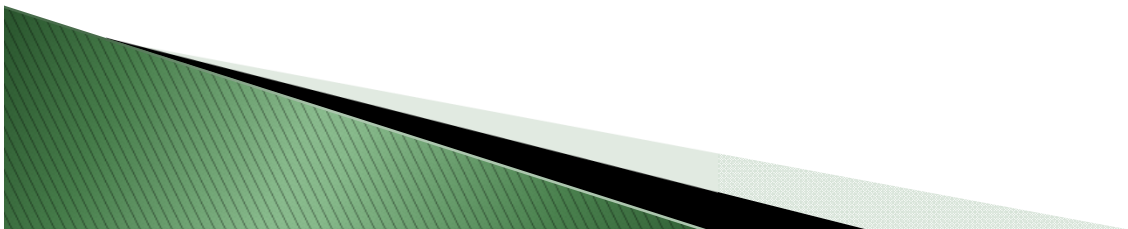


Public protection is the Board's highest priority in exercising its licensing, regulatory and disciplinary functions.



Outline

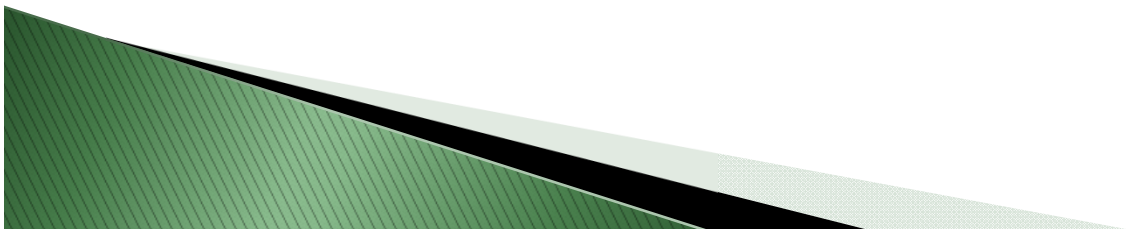
- Enforcement Division's Role & Organization
- Enforcement Division Workload
- Challenges Facing the Division
- Pending Issues



Enforcement Division's Role

Critical to Consumer Protection

- Enforce the rules and regulations governing the practice of licensed vocational nurses (VNs) and psychiatric technicians (PTs).
- Investigate complaints in an objective, timely and cost-effective manner.
- Take disciplinary action against licensees who are unprofessional, incompetent, negligent or abusive.
- Monitor probationers to ensure that they comply with the Board's disciplinary order.



Enforcement Division's Role

Applicants – Deny Licensure

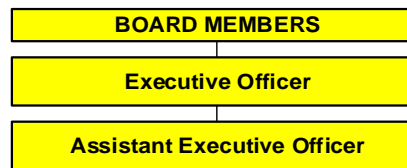
- Conviction of a substantially related crime.
- Any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.
- Any act which, if done by a licensee, is grounds for discipline.

Licensees – Discipline any License if Laws/Regulations Violated

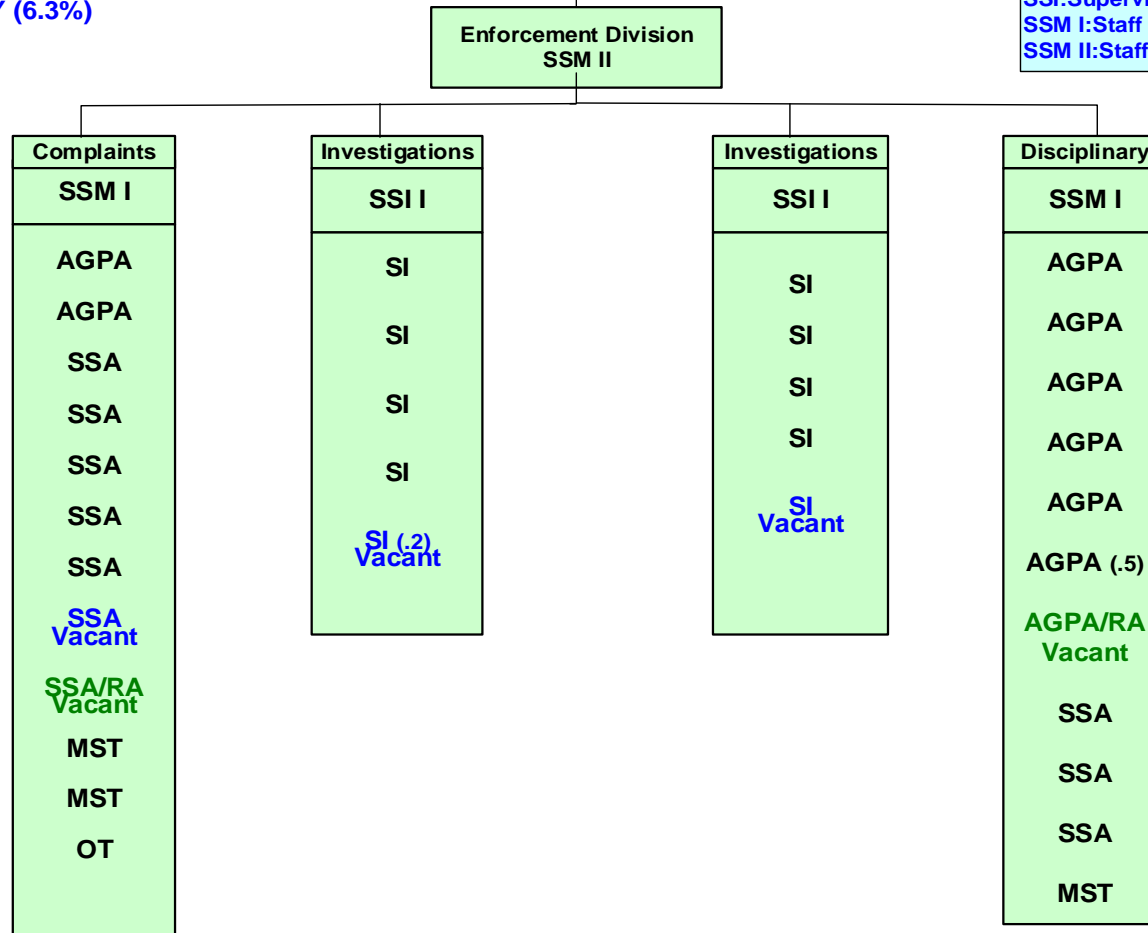
- Revoke
- Suspend
- Probation
- Citation and Fine



Authorized Positions
 VN Program: 25.0 PY
 PT Program: 9.7 PY
 Total: 34.7 PY
Temporary Help Positions 2.0
Vacant Positions: 2.2 PY (6.3%)




AGPA:Associate Governmental Program Analyst
 MST:Management Services Technician
 OT:Office Technician
 RA:Retired Annuitant
 SI: Special Investigator
 SSA:Staff Services Analyst
 SSI:Supervising Special Investigator I
 SSM I:Staff Services Manager I
 SSM II:Staff Services Manager II



Enforcement Division's Organization

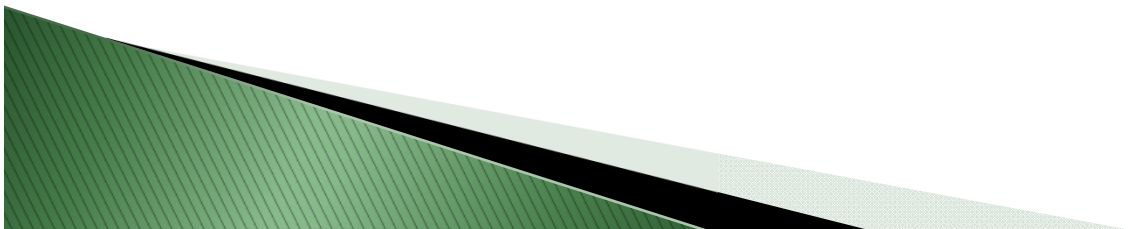
Complaint Unit

- Receives complaints and determines type of investigation required – desk investigation or field investigation.
 - Conducts desk investigations – gathers evidence to substantiate allegation(s) (e.g., from complainant, employer, licensee, courts/police department, etc.).
 - Determines if allegations substantiated and formal disciplinary action is warranted – forwards case to Discipline Unit.
 - If formal disciplinary action is not warranted, closes case, issues a Citation and Fine or Notice of Warning.
 - Tracks payment of fine amounts.
- 

Enforcement Division's Organization

Investigation Unit

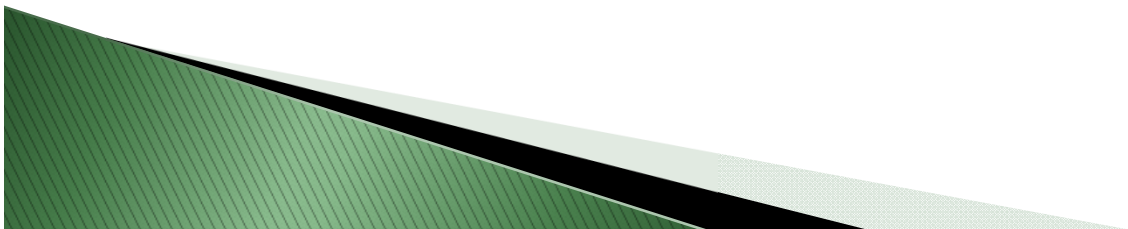
- Investigation Unit established July 1, 2011; development is on-going.
- Conduct statewide investigations of a wide range of alleged misconduct including physical and sexual abuse, drug diversion, gross negligence, fraud and other unprofessional conduct.
- Will request assistance from DCA Division of Investigation in certain cases such as those where safety is a concern.



Enforcement Division's Organization

Discipline Unit

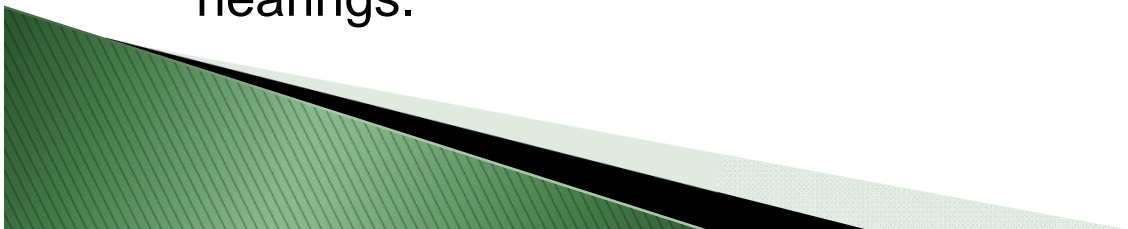
- Transmits case and all evidence to AG's Office.
- Requests expert opinion for gross negligence or incompetence cases.
- Cases reviewed and legal pleadings (i.e., Accusation or Statement of Issues) prepared by AG's Office.
- Receives pleading for review and signature by EO.
- Serves Accusation or Statement of Issues.
- Monitors case for receipt of Notice of Defense (NOD). Respondent has 15 days to file the NOD.



Enforcement Division's Organization

Discipline Unit

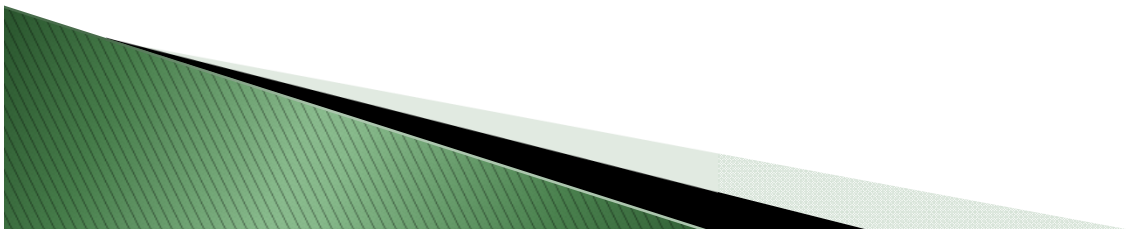
- AG's Office requests hearing date if NOD received.
- Office of Administrative Hearings (OAH) schedules hearing.
- Settlement negotiations may occur before hearing.
- OAH Administrative Law Judge (ALJ) hears case and sends proposed decision to the Board.
- AG's Office prepares default if no NOD received.
- Board considers all cases and issues final decision.
- Coordinates preparations and prepares materials for reinstatement hearings.



Enforcement Division's Organization

Probation Unit

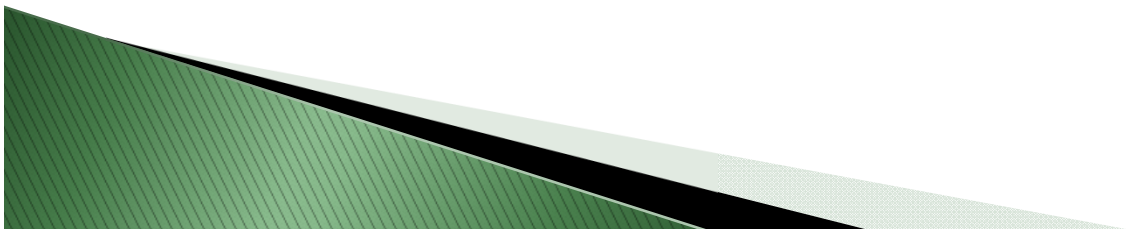
- Monitors licensees on probation for compliance with various terms and conditions of probation.
- Conducts initial meeting to discuss terms of probation and violation consequences.
- Quarterly reporting required.
- Coursework required.
- Employment approval, verification, and supervisor's reports required.
- Random drug testing – contract with Phamatech, Inc.



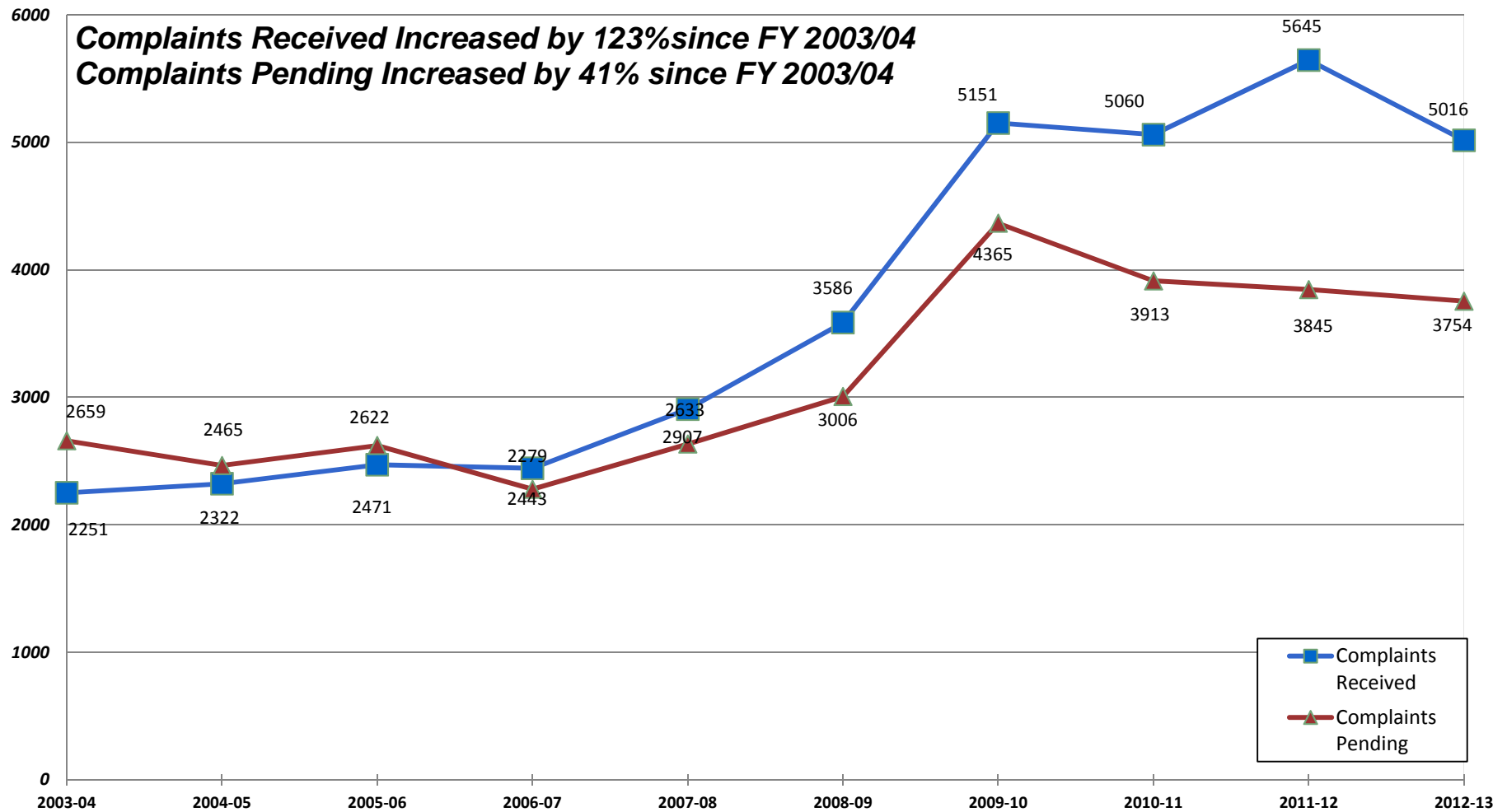
Enforcement Division's Organization

Probation Unit

- Cost recovery collected and tracked.
- Conducts follow-up meetings with probationer as necessary.
- Initiates investigations as warranted.
- Transmits case to AG's Office if probation violations occur.
- Case proceeds through same administrative hearing process as initial discipline.
- Analyst testifies at hearing.



Enforcement Workload Fiscal Year 2003/04 through 2012/13



Enforcement Workload

	2009/10	2010/11	2011/12	2012/13	2013/14 Thru 12/31/13
Complaints Received (Licensees)	3,110	2,599	2,610	2,210	929
Complaints Received (Applicants)	2,041	2,461	3,035	2,806	1,936
Total Complaints Received	5,151	5,060	5,645	5,016	2,865
Total Complaints Pending	4,365	3,906	3,845	3,754	3,412
Investigations Referred to DOI ⁽¹⁾	113	111	92	0	0
Investigations Closed:					
Licensee Desk Investigations	2,446	3,138	2,550	1,985	984
Licensee DOI Investigations	240	204	114	86	43
Licensee Field Investigations	0	0	5	259	280
Applicants Approved/Cleared/Other	1,150	2,214	2,836	3,206	1,825
Applicants Denied (In-House)	20	55	78	36	22
Total Investigations Closed:	3,856	5,611	5,583	5,572	3,154
Citations Issued	201	447	258	199	72
Cases Referred to AG's Office	221	339	412	288	159
Accusations Filed	166	168	251	217	123
Disciplinary Actions Taken (Licensees)	213	175	170	271	95
Statement of Issues Filed	18	57	82	68	24
Licenses Denied (Adjudicated)	10	7	17	16	9

⁽¹⁾ DOI = DCA Division of Investigations

Complaints Closed FY 2009/10 to FY 2012/13

	2009/10	2010/11	2011/12	2012/13	2013/14 Thru 12/31/13
Complaints Closed - Desk	3,616	5,407	5,464	5,227	2,831
<i>Licensees - Unsubstantiated/NOW</i>	-	2,495	2,065	1,616	780
<i>Substantiated</i>	-	643	485	369	204
<i>Applicants - Approved</i>	1,150	1,757	1,739	2,035	982
<i>Denied</i>	20	55	78	36	22
<i>Other</i>	-	457	1,097	1,171	843
Complaints Closed - Field	0	0	5	259	280
<i>Licensees - Unsubstantiated/NOW</i>	-	-	4	172	177
<i>Substantiated</i>	-	-	1	87	103
Complaints Closed - DOI	240	204	114	86	43
<i>Licensees - Unsubstantiated/NOW</i>	-	111	31	45	29
<i>Substantiated</i>	-	93	83	41	14
Total Investigations Closed	3,856	5,611	5,583	5,572	3,154

Enforcement Workload

Average Complaint Processing Times (in days)						
		2009/10	2010/11	2011/12	2012/13	2013/14 Thru 12/31/13
Desk Investigations		212	295	283	238	200
Field Investigations		0	0	197	510	601
DOI Investigations		775	703	666	783	915
Total Investigations ⁽²⁾		247	310	291	249	245
Pre-Accusations ⁽³⁾		138	145	175	236	237
Post Accusations ⁽⁴⁾		434	275	191	220	251
Total Average Days		819	730	657	715	733
Total Average Years		2.2	2	1.8	1.9	2

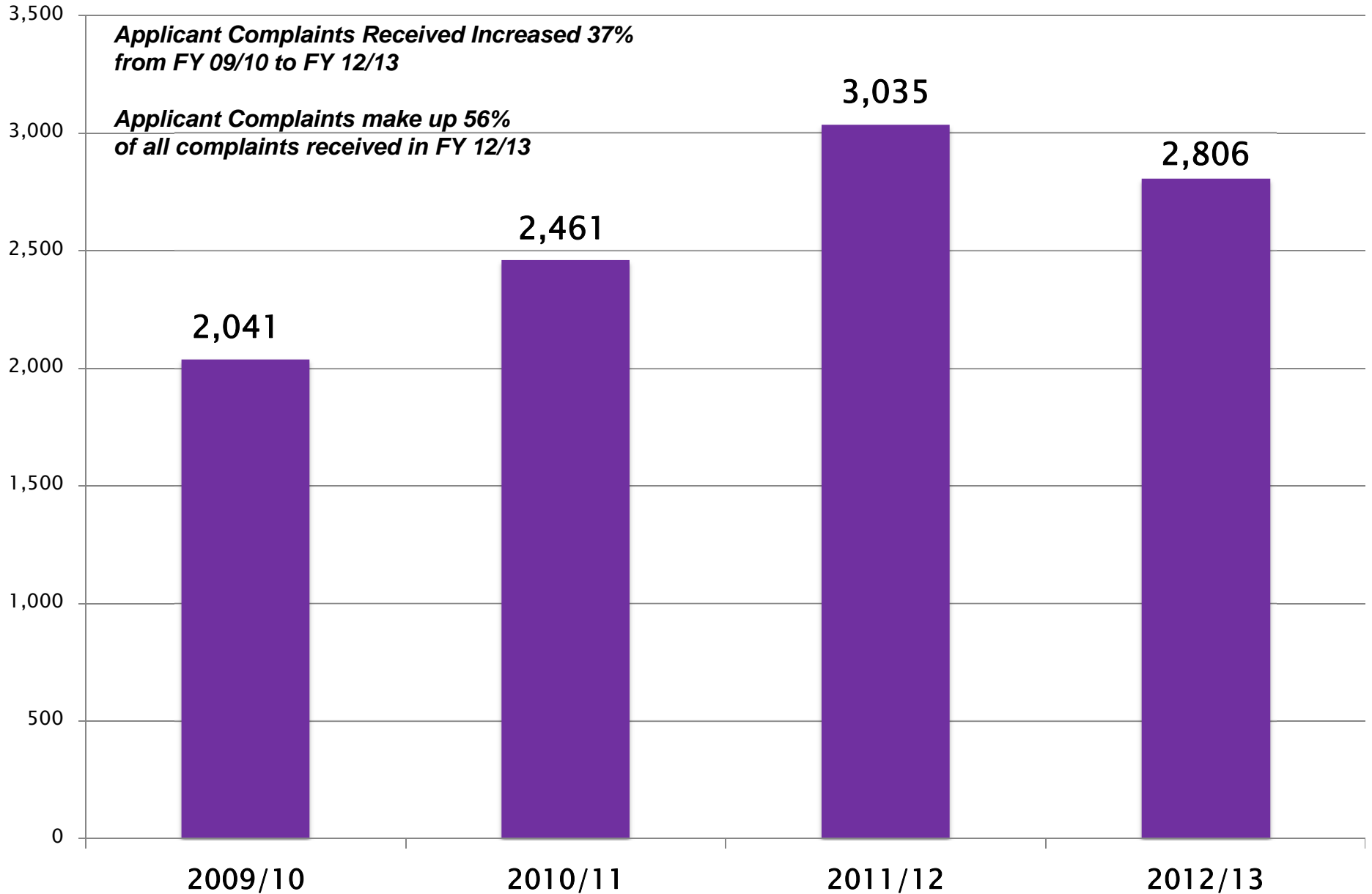
(1) DOI = DCA Division of Investigation

(2) Includes informal investigations or field investigations conducted by Board Staff and formal investigations conducted by DCA DOI. Does not include applicants.

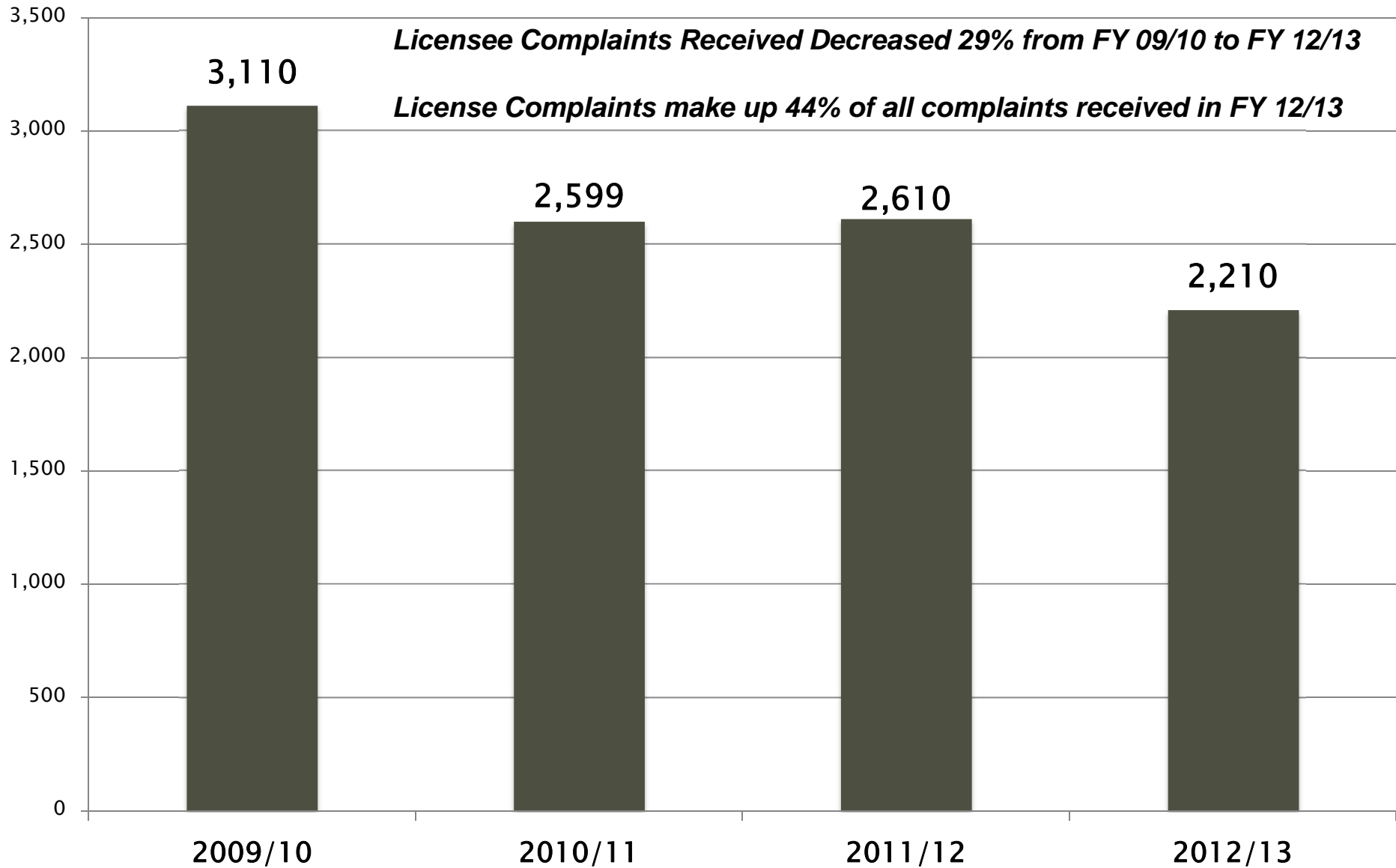
(3) From completed investigation to formal charges filed by the AG's Office.

(4) From formal charges filed by the AG's Office to conclusion of disciplinary case.

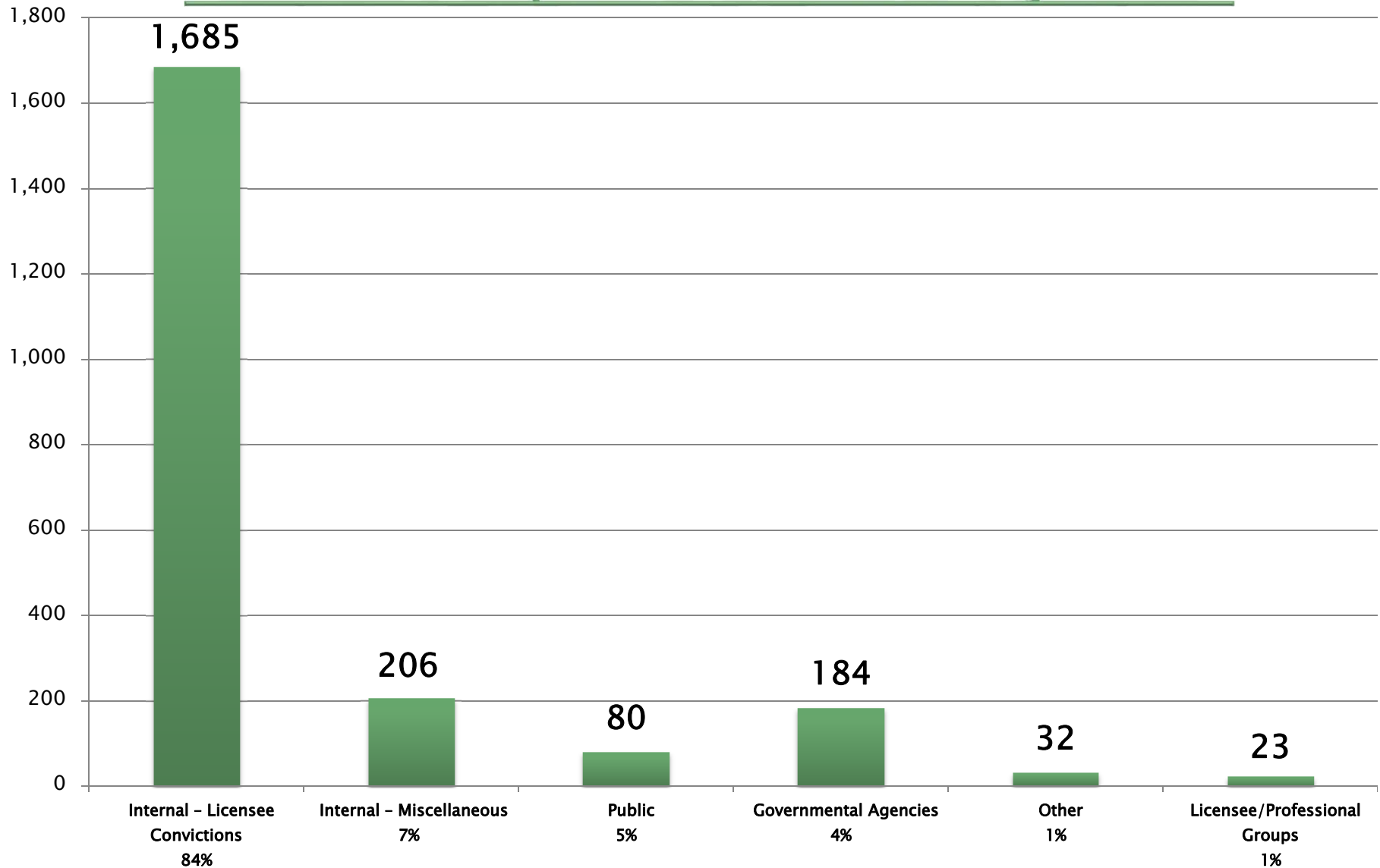
Enforcement Workload Applicant Complaints Received



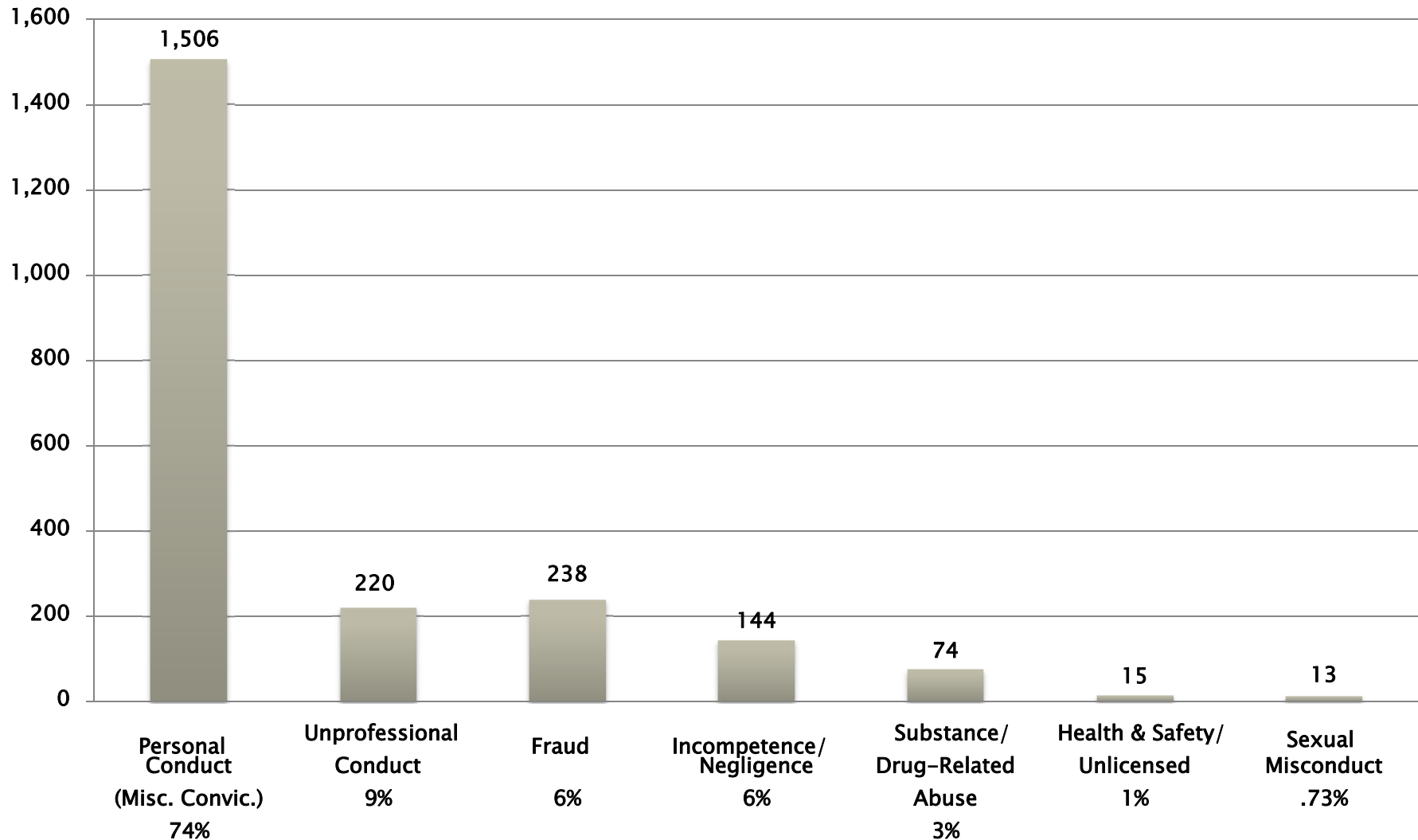
Enforcement Workload Licensee Complaints Received



Enforcement Workload Licensee Complaints Received – By Source

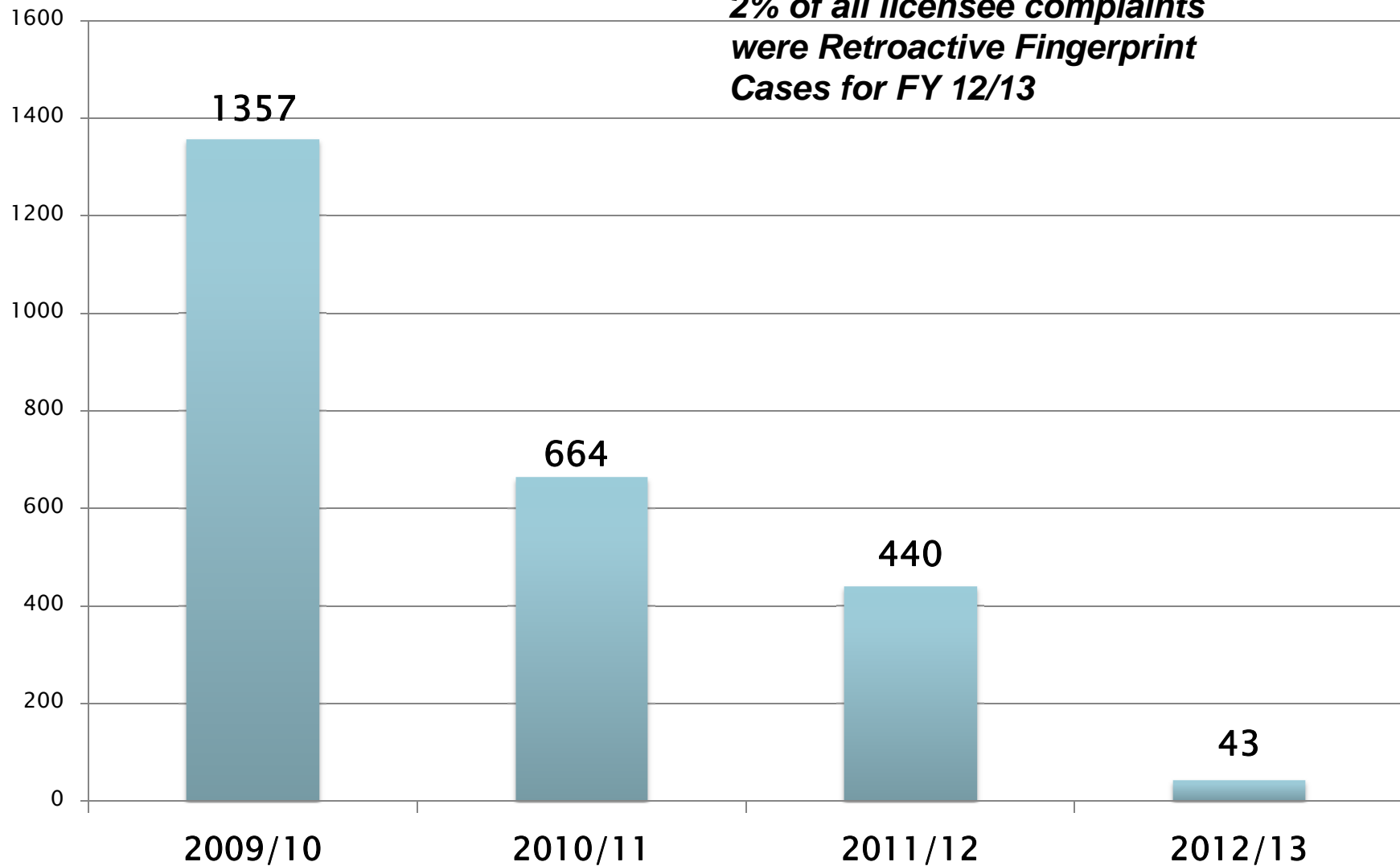


Enforcement Workload Licensee Complaints Received – By Type

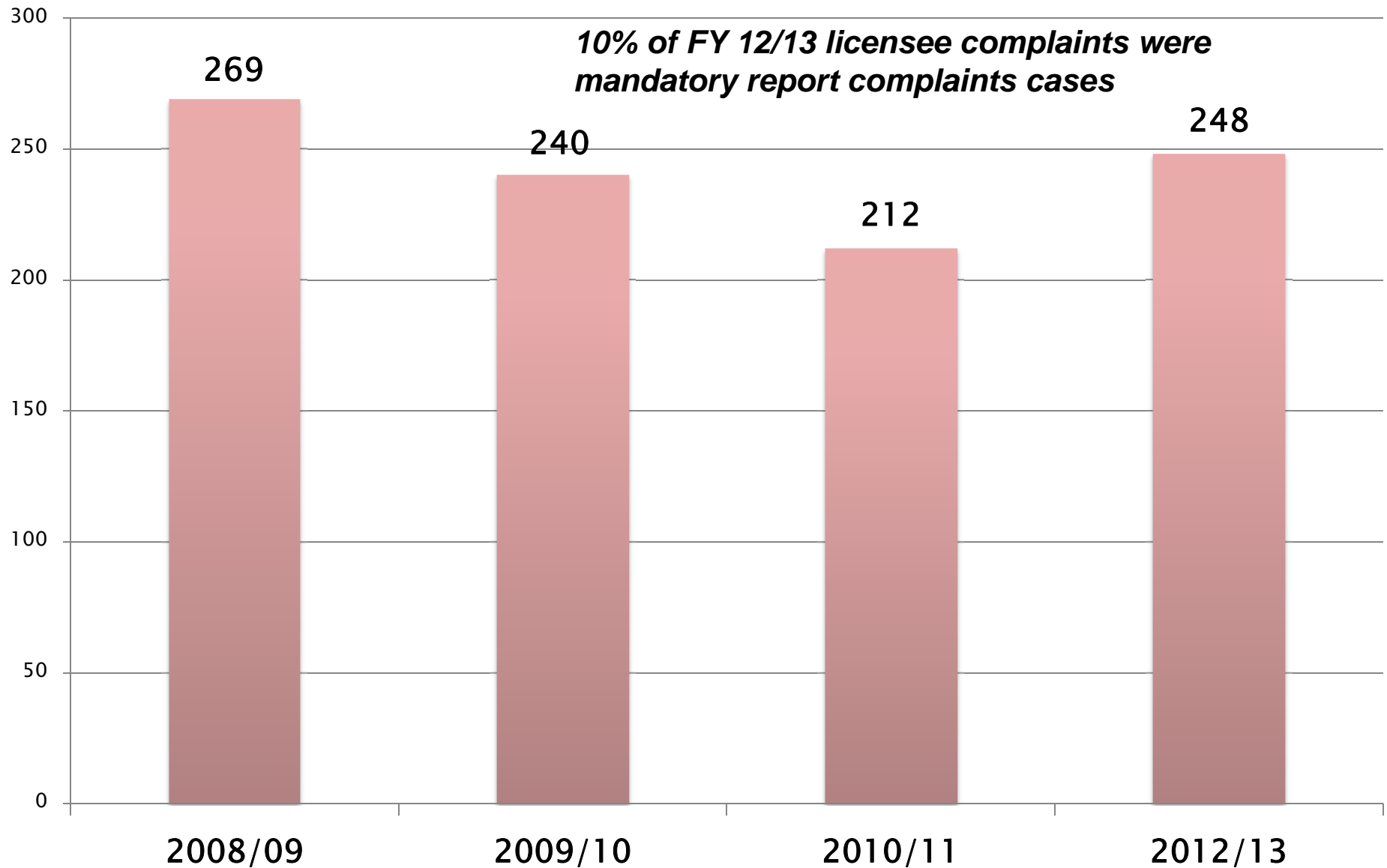


Enforcement Workload Retroactive Fingerprinting

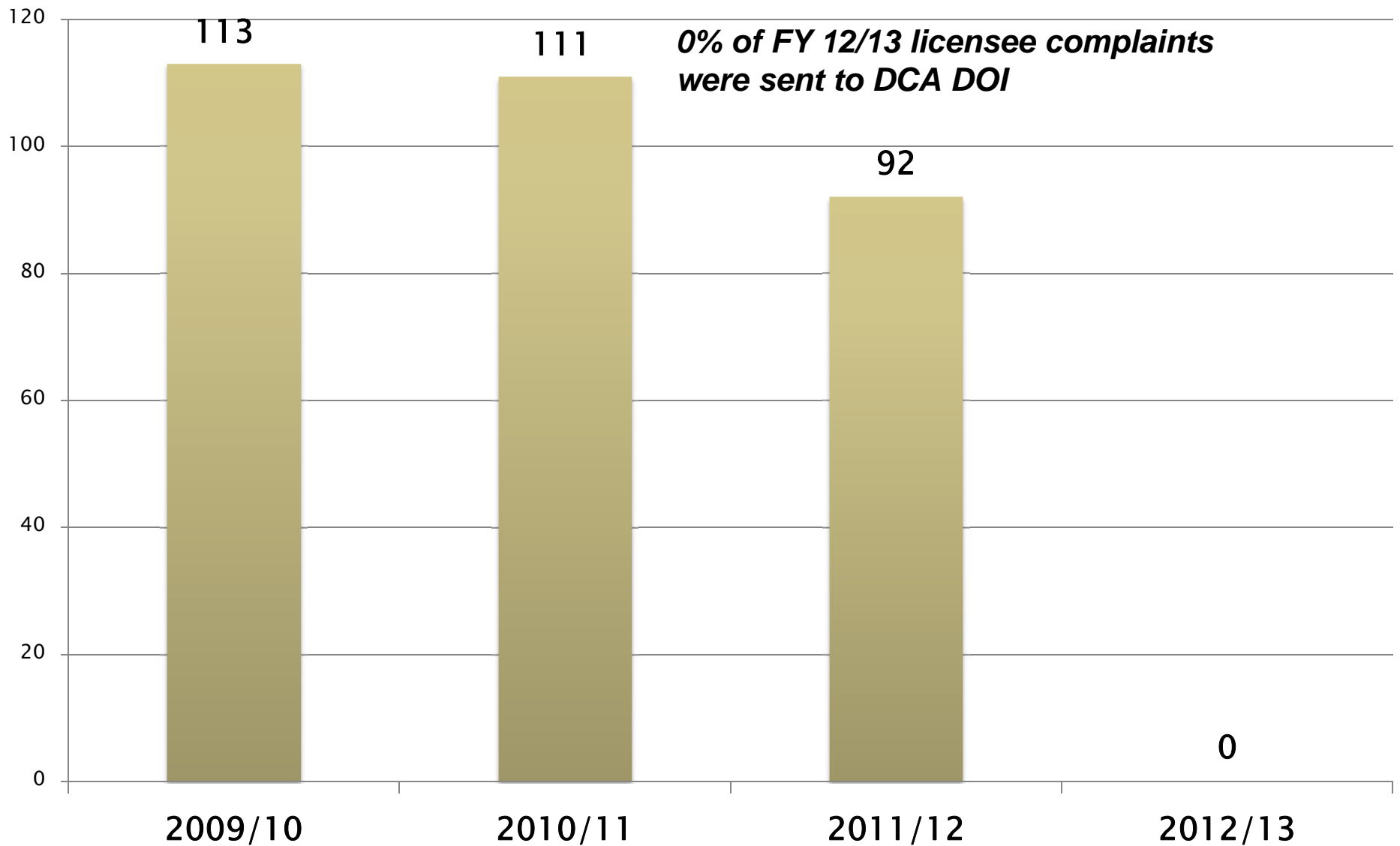
***2% of all licensee complaints
were Retroactive Fingerprint
Cases for FY 12/13***



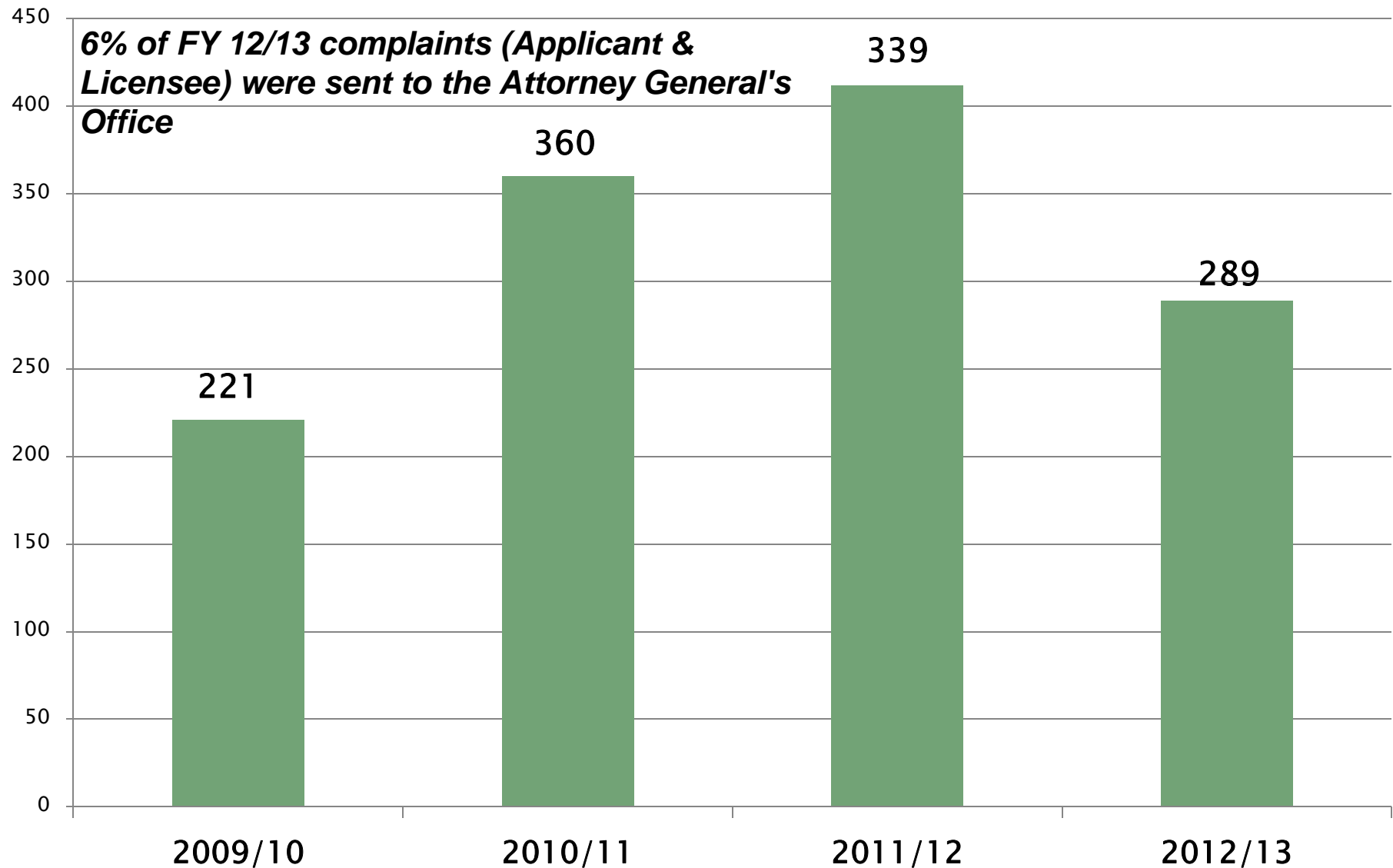
Enforcement Workload Mandatory Reporting



Enforcement Workload Cases to DOI

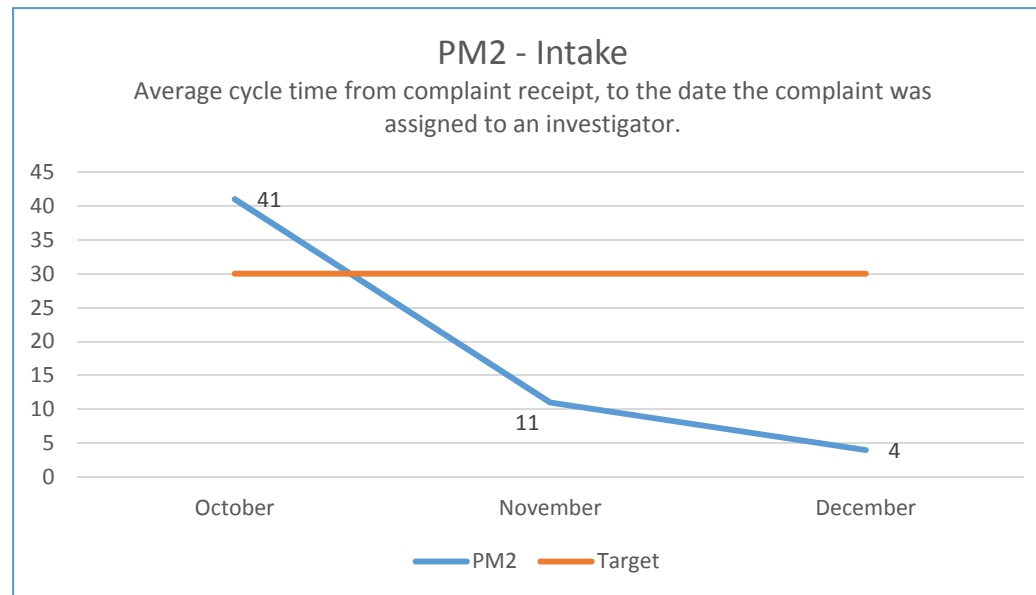
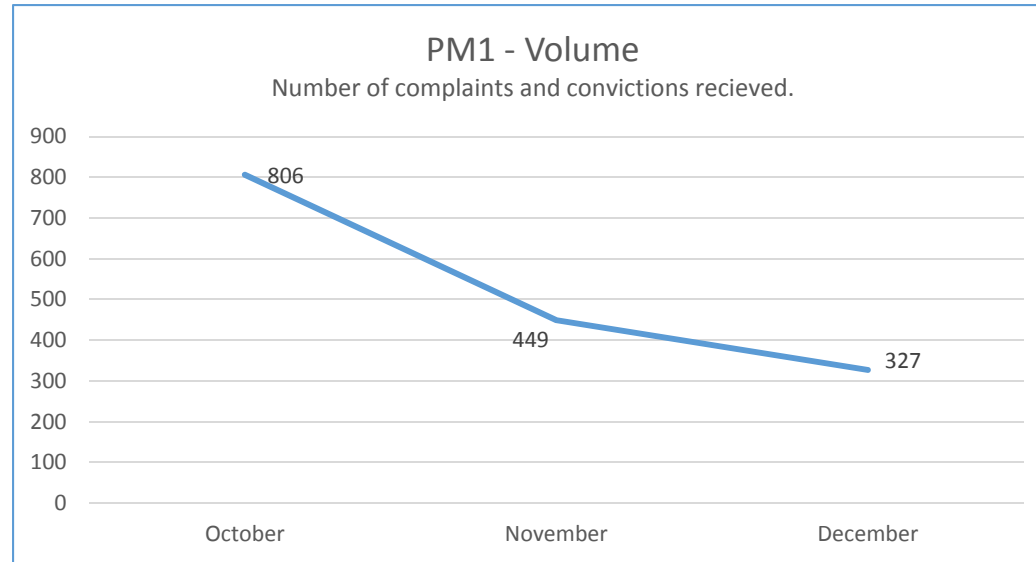


Enforcement Workload Cases to AG



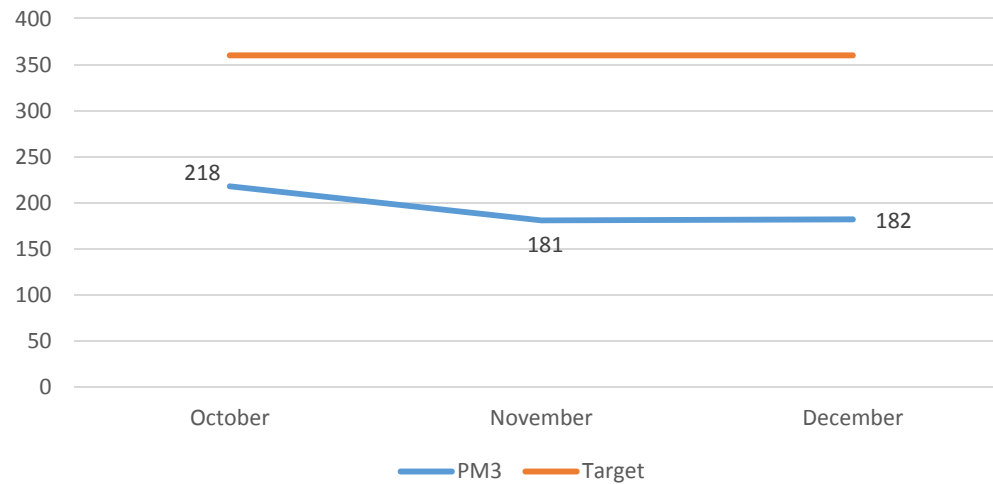
Performance Measures

FY 13/14, Q2 Report (October – December 2013)



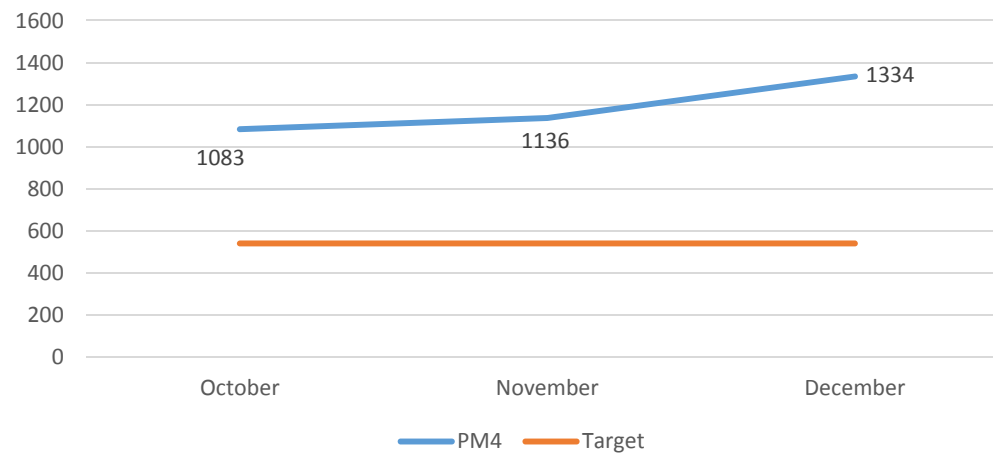
PM3 - Intake and Investigation

Average cycle time from complaint receipt to closure of the investigation process. Does not include cases sent to the Attorney General or other forms of discipline.



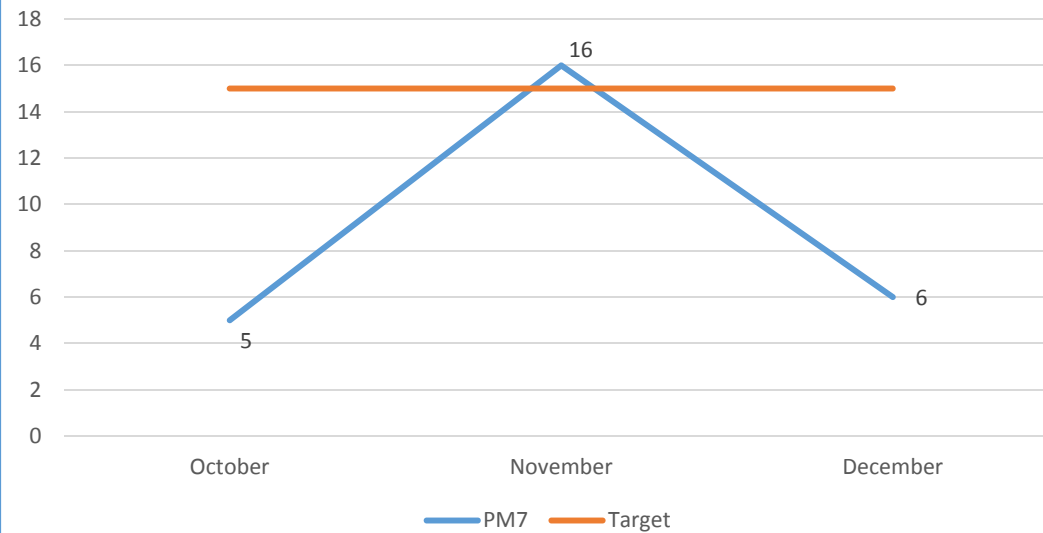
PM4 - Formal Discipline

Average number of days to complete the entire enforcement process for cases resulting in formal discipline. (Includes intake and investigation by the Board and prosecution by the AG.)



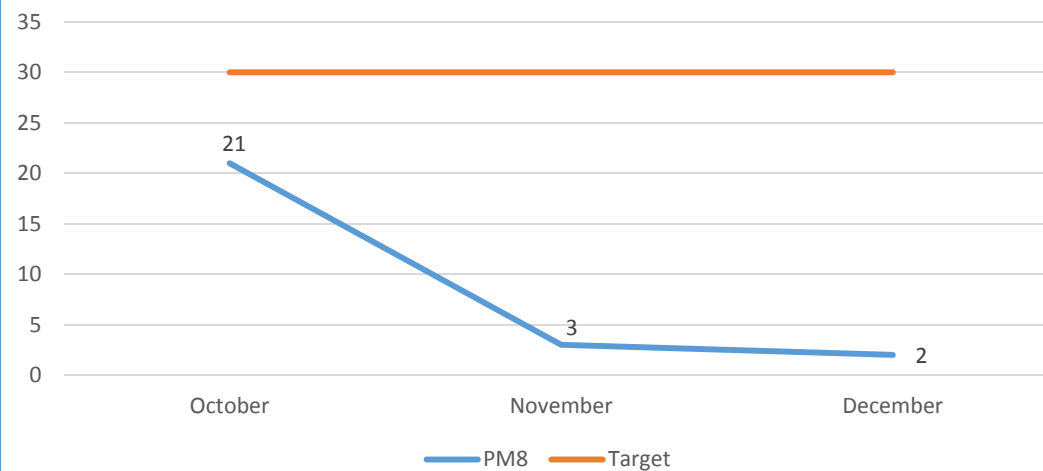
PM7 - Probation Intake

Average number of days from monitor assignment, to the date the monitor makes first contact with the probationer.



PM8 - Probation Violation Response

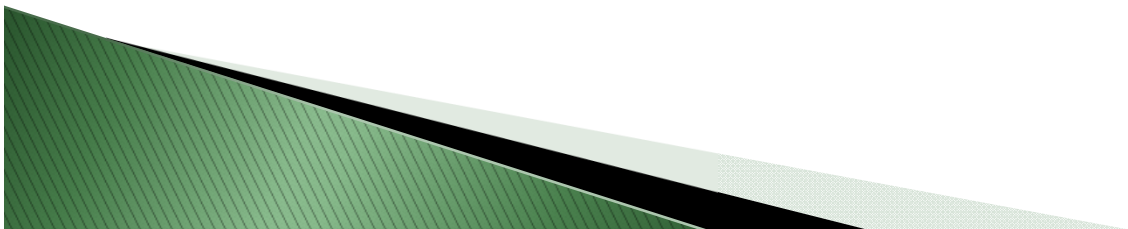
Average number of days from the date a violation of probation is reported, to the date the assigned monitor initiates appropriate action.



Challenges Facing the Division

Consumer Protection Enforcement Initiative (CPEI)

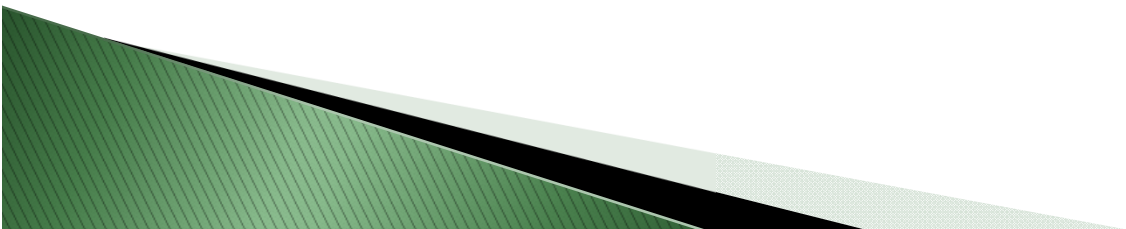
- CPEI intends to reduce enforcement process to 12-18 months.
- Performance Measure 4: Formal Discipline Cycle Time – unable to meet the PM 4 target without improvements to the processes handled by outside agencies (i.e. Attorney General's Office and Office of Administrative Hearings).
- Implementation of approved state-of-art integrated database (BreEZe) to support licensing and enforcement delayed.



Challenges Facing the Division

Insufficient Resources

- Enormous workload requirements.
- Processing delays – backlogs & case aging.
- Antiquated & cumbersome information technology.



Pending Issues

Review of Mail Ballot Process and Procedures

